

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

**UNITED STATES OF AMERICA**

Plaintiff,

v.

**CITY OF PROVIDENCE,**

Defendant.

Case No. 13-442

**NOTICE IN ADVANCE OF INTERIM SETTLEMENT AGREEMENT TERMINATION  
DATE OF JULY 1, 2020**

The Court Monitor, with the consent of the United States and the City of Providence, files this notice regarding the Parties' plan in advance of the anticipated termination date of the Interim Settlement Agreement (ISA).

**The Parties' Process Prior to Termination**

The ISA states: "The Parties anticipate that the State and the City will have substantially complied with all provisions of this Agreement by July 1, 2020, unless the Interim Settlement Agreement is otherwise terminated, cancelled, or extended." § XIX(2). Thus, the Parties have met and agreed upon a planned timeline for the Court Monitor to review the City's progress under the ISA and document his assessment of this progress in a report that will be filed with this Court, and for the Parties to take positions whether the City has achieved substantial compliance. *See* Attachment A. "Substantial compliance is achieved where the State and City have implemented all of the provisions of the Interim Settlement Agreement for all individuals in the Target Populations. Any violations of the Interim Settlement Agreement that are minor and occasional and are not systemic shall not be deemed noncompliance." *Id.*

Further, the ISA states that the Court will retain jurisdiction until the City has substantially complied with all provisions of the ISA and maintained substantial compliance with all provisions for one year. § XIX(3). However, the United States and the City may jointly ask the Court to terminate the ISA as to the City before July 1, 2020, “provided the State and/or City has substantially complied with all provisions of the Interim Settlement Agreement and maintained substantial compliance with all provisions for one year.” §§ XIX(3), (4). The Parties have included in the planned timeline the possibility that the Parties will agree that, for the City only, termination of the ISA is appropriate prior to July 1, 2020. In that event, the Parties will jointly seek early termination from this Court. *See* Attachment A.

The Planned Timeline described in Attachment A calls for the substantial compliance determination process and related reviews and court filings to be completed by August 9, 2019. The City requests that the process be finalized by June 30, 2019. Best efforts will be made by the Court Monitor to expedite the review and complete the substantial compliance determination process before August 9, 2019.

However, in the event the Parties do not agree to jointly seek termination before or at the anticipated termination date of July 1, 2020, the United States will, by January 1, 2020, inform the Court and the City that the United States disputes that termination by July 1, 2020 is appropriate. § XIX(3) (if “the United States disputes that the State and/or City is in substantial compliance with the Agreement as of July 1, 2020. . . the United States shall inform the Court, and the State and/or City by January 1, 2020 that it disputes substantial compliance, and the Court may schedule further proceedings as appropriate.”).

### **The Court Monitor's Review**

The Court Monitor will evaluate and document, in a written report similar to the Court Monitor's previous reports, the City's progress with respect to all relevant requirements in the ISA. The report will document the actions the City has taken, the progress that has been made, and the performance milestones that have been achieved relative to each provision in the ISA, based on: (a) evidence of substantial compliance, such as the numbers of individuals meeting identified benchmarks, policies implemented, procedures or guidelines adopted, regulations promulgated, and other actions taken by the City to meet the requirement; and (b) additional information relevant to the determination of substantial compliance with the identified provision.

The Court Monitor will include in his assessment whether the Monitor's previous reviews and reports determined specific ISA provisions and requirements to have been met by the City. The prior assessment will be reviewed and, if continued substantial compliance with the requirement is confirmed, the provision or benchmark will not be assessed further except to the extent required to determine whether the City remains in substantial compliance with the provision for a full year, as required by the ISA.

The Monitor may conduct additional reviews to assess compliance achieved and/or verify information provided by the City using appropriate means and methods, such as a look-behind audit, review of a random or purposeful sample of individuals or case files, examination of records and documentation, or other methods determined by the Court Monitor. The City will continue to provide the Court Monitor and the United States access to the people, places, and documents that are necessary to assess the City's compliance with the ISA. § XIX(12).

Dated: February 4, 2019

Respectfully submitted,

The Court Monitor:

A handwritten signature in black ink, appearing to read "Charles Moseley". The signature is fluid and cursive, with the first name "Charles" written in a larger, more prominent script than the last name "Moseley".

Dr. Charles Moseley  
PO Box 544  
Charlotte, VT 05445

## **ATTACHMENT A**

**The Parties' Planned Timeline -PPSD**

<b>Action</b>	<b>Time Period</b>	<b>Week Days</b>
1. The Court Monitor and the United States may request information from the City for the purpose of determining substantial compliance and length of time of substantial compliance.	Begin January 7	
2. The Court Monitor conducts substantial compliance review.	January 7 - April 8	65 days
3. The Court Monitor writes a draft report and submits it to the United States and the City for their review. As required by § XVII(3), the United States and the City will have the opportunity to review and comment prior to the Court Monitor finalizing and filing the report.	April 8-26	15 days
4. The United States and the City provide review and submit feedback to the Court Monitor regarding the draft report.	April 26 - June 28	45 days
5. The Court Monitor completes final report and submits it to the United States and the City.	June 28 - July 19	15 days
6. <u>If in agreement that the City is in substantial compliance, the Parties will file with this Court a Joint Motion to Dismiss.</u>	July 19 - August 9	15 days
7. The Court Monitor files final report with the Court.	July 19 - August 9	
8. In the event the parties do not agree that the City is in substantial compliance, the United States will file notice with the Court and the City that the United States disputes that the City can reach substantial compliance by July 1, 2020 and will propose next steps.	Due January 1, 2020	